

Customer No.: 61561  
Application No.: 10/709,894  
Docket No.: 12689-US-PA

### REMARKS

#### *Present Status of the Application*

Claims 1-9 remain pending. For at least the following reasons, Applicant respectfully submits that claims 1-9 are in proper condition for allowance. Reconsideration is respectfully requested.

#### *Discussion of the claim rejection under 35 USC 103*

1. The Office Action rejected claims 1, 2, 4, 5, 7 and 9 under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. (US-6,301,484, hereinafter Rogers) and Buckham et al. (US-6,662,016, hereinafter Buckham).

In rejecting the above claims, the Examiner stated that Rogers et al. discloses a system that allows the service provider to enable and disable wireless phone features without requiring the phone to be returned to the service provider for implementation. The service provider directs the phone to enable or disable features through a feature control message transmitted to the phone using SMS (col. 5, lines 4-13) which reads on the claimed "method of remotely managing a mobile communication device comprising: providing at least a short message including an application program; sending the application program to the mobile communication device; and running the application program on the mobile communication device", wherein the feature code reads on the application program and activating the feature code reads on running the application program. Rogers fails to disclose that the application program allows tracing of a position of the mobile communication device. In the similar field of endeavor, Buckham

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*discloses a particular application may be designed to track the mobile resource by obtaining updated location information at predetermined time intervals (col. 10, lines 27-63). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rogers with Buckham to include the above location tracking information in order to allow a dispatcher to monitor the location of resources as suggested by Buckham (col. 4, lines 36-48).*

Applicants respectfully disagree and respectfully submit that Buckham, at col. 2, lines 37-55, and col. 10, lines 1-48, substantially discloses a method for correlating mapping information and mobile resource marker information on a client side of a data-enabled network interface, including receiving location information regarding a mobile resource location; accessing, at the server node, mapping information for a geographical area including the mobile resource location; generating marker information defining a graphical representation of the mobile resource location; transmitting, from the server node to the client node, a first message set including the mapping information; and combining, at the client node, the mapping information and the marker information to generate a graphical display including the mobile resource location.

In other words, Buckham substantially teaches a method of receiving location information regarding the mobile communication device and generating marker information defining a graphical representation of the mobile resource location. Thereafter, a first message set including the mapping information is transmitted from the server node to the client node, and then the mapping information and the marker information are combined at the client node to generate a graphical display including the mobile resource location combining. Thus, it is clearly evident that Buckham

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substantially teaches receiving the location information regarding the location of the mobile communication device, and generating and combining the mapping information and the marker information to generate a graphical display including the mobile resource location and then sending this information to the client's display RATHER THAN sending an application program to the mobile communication device and running the application program to the mobile communication device to allow tracing of a position of the mobile communication device.

Furthermore, Applicants respectfully submit that as previously discussed in response to the previous office action, and also as acknowledged by the Examiner, Rogers substantially teaches a method of controlling the phone features by using SMS message constructed feature control messages using a predetermined format for controlling the availability of features within user phones to greatly simplify the process of updating all available phones and is least intrusive to the phone user (col. 3, line 58 to col. 4, line 48), but Rogers fails to teach, suggest or disclose the feature code allows tracing of a position of the mobile communication device.

Thus, Rogers and Buckham substantially fail to teach, suggest or hint a method of remotely managing a mobile communication device comprising at least the steps of [sending said application program to said mobile communication device; and running said application program on said mobile communication device to allow tracing of a position of said mobile communication device] as required by the proposed independent claim 1, instead Rogers substantially teaches or discloses a method of utilizing an existing communication method to control the availability of features within user phones, and Buckham substantially teaches or discloses a method of receiving the location

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information regarding the location of the mobile communication device, and generating and combining the mapping information and the marker information to generate a graphical display including the mobile resource location and then sending this information to the client's display. Thus, it is clear that the purpose and the methods of both Rogers and Buckham described above are quite different compared to the claimed invention as claimed in the proposed independent claim 1. Accordingly, Applicants respectfully submit that the teachings of Rogers and Buckham above cannot possibly suggest one skilled in the art in a manner proposed by the Examiner to render every features of the claimed invention obvious in this regard.

Thus, Rogers and Buckham, neither alone nor in combination, could possibly teach, suggest or hint a method of remotely managing a mobile communication device comprising at least the steps of [sending said application program to said mobile communication device; and running said application program on said mobile communication device to allow tracing of a position of said mobile communication device] as required by the proposed independent claim 1 in this regard. Therefore, for at least the above reasons, the proposed independent claim 1 patently defines over Rogers and Buckham.

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Claims 2, 4, 5, 7 and 9, which directly or indirectly depend from the independent Claim 1, are also patentable over Rogers and Buckham at least because of their dependency from the allowable base claim.

For at least the foregoing reasons, Applicants respectfully submit that claims 1, 2, 4, 5, 7 and 9 patently define over Rogers and Buckham. Reconsideration and withdrawal of above rejections is respectfully requested.

*2. The Office Action rejected claims 3 and 8 under 35 U.S.C. 103(a) as being unpatentable over Rogers in view of Buckham as applied to claims 1 and 2 above, and further in view of Kim et al. (US-6,810,262, hereinafter Kim).*

Applicants respectfully disagree and would like to point out that because like Rogers, Kim also merely teaches or discloses a method of transmitting and receiving SMS messages, and Kim (and Rogers) fails to teach, suggest or disclose any method for tracing the position of the (misplaced or lost) mobile communication device, therefore, Kim cannot possibly cure the specific deficiencies of Rogers and Buckham for at least the reasons as substantially discussed above. Accordingly, Applicants respectfully submit that Rogers, Buckham and Kim, neither alone nor in combination, could possibly render every features of the claimed invention as a whole. Thus, claims 3 and 8, which directly or indirectly depend from the amended proposed independent claim 1, also patently define over Kim (and Rogers) for at least the same reasons discussed above. Reconsideration and withdrawal of these rejections is respectfully requested.

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3. *The Office Action rejected claim 6 under 35 U.S.C. 103(a) as being unpatentable over Rogers and Buckham in view of what was well known in the art.*

Applicants respectfully disagree and would like to point out that the well known Java 2 Micro Edition still cannot cure the specific deficiencies of Rogers and Buckham for at least the reasons as substantially discussed above, and therefore claim 6, which indirectly depend from the amended proposed independent claim 1, also patently define over Rogers and Buckham for at least the same reasons discussed above. Reconsideration and withdrawal of these rejections is respectfully requested.

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**CONCLUSION**

For at least the foregoing reasons, it is believed that all pending claims 1-9 are in proper condition for allowance. If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel to arrange for such a conference.

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Respectfully submitted,

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